

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1521

Introduced by Assembly ~~Member Parra~~ Members Parra and Pacheco

February 21, 2003

An act to ~~repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of, the Food and Agricultural Code, relating to diseased animals.~~ amend Sections 1301, 4000, and 13113 of, to repeal Sections 1501 and 1502 of, and to repeal and add Section 1500 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as amended, Parra. ~~Diseased animals~~ Elections: municipal elections.

(1) Existing law requires, with certain exceptions, a general municipal election to be held on the 2nd Tuesday in April of even-numbered years or the first Tuesday after the first Monday in March of odd-numbered years.

This bill, instead, would require a general municipal election to be held on any established election date or on the 2nd Tuesday of April in each odd-numbered year.

(2) Existing law provides that several types of elections may be held wholly by mail, with certain conditions, including, but not limited to, the

condition that the election does not occur on the same date as a statewide direct primary election or statewide general election.

This bill would, instead, provide that an election held wholly by mail must be held on an established mailed ballot election date as established by this bill.

(3) Existing law provides that the order of candidates' names on the ballot of a special district, school district, charter city, or other local government body election, occurring on other than one of the 4 major election dates is determined by a special randomized alphabet drawing conducted by the Secretary of State, with certain requirements.

This bill would authorize the randomized alphabet drawn for purposes of the first election held by a charter city that holds 2 elections in the same 12-month period which occur on other than one of the 4 major election dates, to be used for both of those elections if the 2nd election within that 12-month period does not have a close of filing deadline. The bill would also provide that if 2 randomized alphabets are drawn for the same election, that the results of the second randomized alphabet drawing may be clearly set apart from the first labeled "FOR USE IN A RUNOFF ELECTION ONLY."

(4) This bill would incorporate additional changes in Section 13113 of the Elections Code proposed by SB 1024 that would become operative only if SB 1024 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

~~Existing law provides that the Department of Food and Agriculture may establish and maintain bovine tuberculosis control areas at which time it shall issue a proclamation which shall be published in a newspaper of general circulation in that area, as specified. Existing law requires all owners of cattle within a tuberculosis control area which are subject to examination and tuberculin testing shall, upon request, provide necessary facilities for making tuberculin tests, and render assistance as may be required.~~

~~This bill would repeal provisions concerning the operation of bovine tuberculosis control areas, specifically, provisions respecting frequency of testing of animals to determine which are affected with tuberculosis, the threshold infection reduction rate at which testing becomes compulsory, and the circumstances under which cattle can be moved into or out of the control area. This bill would also repeal provisions permitting the secretary of the department to withdraw~~



counties from a tuberculosis control area if sufficient funds to supervise and manage the area are unavailable.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. — Section 10004 of the Food and Agricultural~~

SECTION 1. Section 1301 of the Elections Code is amended to read:

1301. (a) Except as required by Section 57379 of the Government Code, and except as provided in subdivision (b), a general municipal election shall be held on ~~the second Tuesday in April of even-numbered years, or on the first Tuesday after the first Monday in March of odd-numbered years~~ *an established election date pursuant to Section 1000.*

(b) (1) Notwithstanding subdivision (a), a city council may enact an ordinance, pursuant to Division 10 (commencing with Section 10000), requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, or on the day of school district elections as set forth in Section 1302. Any ordinance adopted pursuant to this subdivision shall become operative upon approval by the board of supervisors.

(2) In the event of consolidation, the general municipal election shall be conducted in accordance with all applicable procedural requirements of this code pertaining to that primary, general, or school district election, and shall thereafter occur in consolidation with that election.

(c) If a city adopts an ordinance described in subdivision (b), the municipal election following the adoption of the ordinance and each municipal election thereafter shall be conducted on the date specified by the city council, in accordance with subdivision (b), unless the ordinance in question is later repealed by the city council.

(d) If the date of a general municipal election is changed pursuant to subdivision (b), at least one election shall be held before the ordinance, as approved by the board of supervisors, may be subsequently repealed or amended.

SEC. 2. Section 1500 of the Elections Code is repealed.

~~1500. If any election to choose members of the governing board of a special district is to be totally conducted by mailed ballot, it shall be held on the last Tuesday in August of each odd-numbered year. However, if permitted by the elections official of the county or counties affected by the use of all mailed ballots, the special district election may be held on the first Tuesday after the first Monday in November of each odd-numbered year. All other district elections conducted by mailed ballot may be held in accordance with the dates set forth in the district enabling act or may be consolidated with the general district election.~~

SEC. 3. Section 1500 is added to the Elections Code, to read:

1500. The established mailed ballot election dates are as follows:

(a) The first Tuesday after the first Monday in May of each year.

(b) The first Tuesday after the first Monday in June of each even-numbered year.

(c) The last Tuesday in August of each year.

SEC. 4. Section 1501 of the Elections Code is repealed.

~~1501. An election conducted pursuant to Section 1500 shall be held on a date prescribed therein, or on any other date other than an established election date.~~

SEC. 5. Section 1502 of the Elections Code is repealed.

~~1502. No mailed ballot election may be held on one of the established election dates set forth in Chapter 1 (commencing with Section 1000) of this division, except as provided in Section 1500.~~

SEC. 6. Section 4000 of the Elections Code is amended to read:

~~Any~~ A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

(a) The governing body of the local agency authorizes the use of mailed ballots for the election.

~~(b) The election does not occur on the same date as a statewide direct primary election or statewide general election is held on an established mailed ballot election date pursuant to Section 1500.~~

(c) The election is one of the following:

(1) An election in which no more than 1,000 registered voters are eligible to participate.

(2) A maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code.

(3) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.

(4) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.

(5) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.

(6) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.

(7) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.

(8) An election of the San Lorenzo Valley Water District pursuant to Sections 13416 and 13417 of the Water Code.

(9) ~~Any~~ An election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules ~~shall~~ apply:

(A) The proceeding shall be denominated an “assessment ballot proceeding” rather than an election.

(B) Ballots shall be denominated “assessment ballots.”

SEC. 7. Section 13113 of the Elections Code is amended to read:

13113. (a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the four major election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of

1 filing due to an incumbent failing to file. The Secretary of State
2 shall conduct a randomized alphabet drawing on the first weekday
3 following the last possible day of filing for ~~such~~ an election
4 according to subdivision (a) of Section 13112.

5 (b) ~~If Except as provided for runoff elections in subdivision (d),~~
6 ~~if~~ two or more drawings for local government elections would
7 occur on the same date, the Secretary of State may use a single
8 randomized alphabet drawing for all of these elections. The
9 Secretary of State shall communicate the results of the drawing by
10 registered mail to each respective official responsible for
11 conducting the election who shall use it to determine the order on
12 the ballot of all candidates' names.

13 (c) All drawings held pursuant to this section shall be open to
14 the public.

15 (d) *If two randomized alphabets are drawn for the same*
16 *election, the results of the second randomized alphabet drawing*
17 *may be clearly set apart from the first and, if set apart, labeled*
18 *“FOR USE IN A RUNOFF ELECTION ONLY.”*

19 SEC. 8. Section 13113 of the Elections Code is amended to
20 read:

21 13113. (a) In the case of an election of candidates in a special
22 district, school district, charter city (whose charter does not
23 provide to the contrary), or other local government body,
24 occurring on other than one of the ~~four major~~ election dates
25 specified in subdivision (b) of Section 13112, the official
26 responsible for conducting the election shall, at the same time that
27 the election is called, notify the Secretary of State by registered
28 mail of the date of the election, the date of the close of filing, and
29 the last possible date for filing in the event there is an extension of
30 filing due to an incumbent failing to file. The Secretary of State
31 shall conduct a randomized alphabet drawing on the first weekday
32 following the last possible day of filing for ~~such an~~ the election
33 according to subdivision (a) of Section 13112.

34 (b) ~~If Except as provided for runoff elections in subdivision (d),~~
35 ~~if~~ two or more drawings for local government elections would
36 occur on the same date, the Secretary of State may use a single
37 randomized alphabet drawing for all of these elections. The
38 Secretary of State shall communicate the results of the drawing by
39 registered mail to each respective official responsible for

conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

(d) If two randomized alphabets are drawn for the same election, the results of the second randomized alphabet drawing may be clearly set apart from the first and, if set apart, labeled "FOR USE IN A RUNOFF ELECTION ONLY."

SEC. 9. Section 8 of this bill incorporates amendments to Section 13113 of the Elections Code proposed by both this bill and SB 1024. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 13113 of the Elections Code, and (3) this bill is enacted after SB 1024, in which case Section 7 of this bill shall not become operative.

~~Code is repealed.~~

~~SEC. 2. Section 10005 of the Food and Agricultural Code is repealed.~~

~~SEC. 3. Section 10006 of the Food and Agricultural Code is repealed.~~

~~SEC. 4. Section 10007 of the Food and Agricultural Code is repealed.~~

~~SEC. 5. Section 10008 of the Food and Agricultural Code is repealed.~~

~~SEC. 6. Section 10009 of the Food and Agricultural Code is repealed.~~

~~SEC. 7. Section 10031 of the Food and Agricultural Code is repealed.~~